

**THE MINUTES OF THE HOUSE STANDING COMMITTEE  
ON  
JUDICIARY**

**Wednesday, March 29, 2006**

**10:30 a.m.**

**Room 308 House Office Building**

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The House Standing Committee on Judiciary was called to order by **Representative William Van Regenmorter**, Chair.

**MEMBERS PRESENT:** Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, McConico, Bieda and Virgil Smith.

**MEMBERS ABSENT/EXCUSED:** None.

**Representative Condino** moved to adopt the minutes of the **March 14, 2006** meeting. The motion was supported by **Representative Elsenheimer**. There being no objection, the motion prevailed by unanimous consent.

**Chairman Van Regenmorter** laid **HB 4431** before the committee:

HB 4431    Wenke	Crimes; homicide; definition of first degree murder; expand to include murder committed in the perpetration or attempted perpetration of aggravated stalking, the violation of a personal protection order, and the violation of a condition of release on bond or on parole.
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**TESTIMONY**

**Representative Wenke**, sponsor of HB 4431, explained his bill to the committee.

**John Hallacy**, Calhoun County Prosecuting Attorney, testified in support of the bill.

**Matt Bolger**, representing the Michigan State Police, submitted a card in support of the bill and did not wish to speak.

**Representative Condino** moved to adopt the substitute **(H-1)** to **HB 4431**. The motion was supported by **Representative Jones**.

The motion prevailed by a vote of **13-0-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives VanRegenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini and Bieda,

Nays: None,  
Pass: None.

**Representative Van Regenmorter** offered the following amendment to **HB 4431 (H-1)**:

1. Amend page 2, line 3, after “**SECTION**” by striking out “**411I(2) (B)**” and inserting “**411I**”.

**Representative Nofs** moved to adopt the amendment. The motion was supported by **Representative Schuitmaker**.

The motion prevailed by a vote of **14-0-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives VanRegenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, McConico and Bieda,  
Nays: None,  
Pass: None.

**Representative Condino** moved to report **HB 4431** with recommendation, as substitute (**H-2**). The motion was supported by **Representative Schuitmaker**.

The motion prevailed by a vote of **14-0-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives VanRegenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, McConico and Bieda,  
Nays: None,  
Pass: None.

**Chairman Van Regenmorter** laid **HB 4870** before the committee:

HB 4870	Caswell	Cemeteries and funerals; burial or cremation; persons entitled to make funeral and burial arrangement for a deceased; establish priority and related procedures.
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**TESTIMONY**

**Representative Caswell**, sponsor of HB 4870, explained his bill to the committee.

**David Newman**, representing the Michigan Department of Corrections, testified indicating neutrality on the bill.

**Matt Bolger**, representing the Michigan State Police, testified indicating neutrality on the bill.

**Phil Dollma** and **Bev Neal**, representing the Michigan Funeral Directors Association, testified in support of the bill.

**Peter Ellsworth**, representing the Michigan Funeral Directors Association, was available to answer questions.

**Representative Elsenheimer** moved to adopt the substitute (**H-4**) to **HB 4870**. The motion was supported by **Representative Schuitmaker**.

The motion prevailed by a vote of **13-0-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives VanRegenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, Rocca, Lipsey, Condino, Adamini, McConico and Bieda,  
Nays: None,  
Pass: None.

**Representative Condino** moved to report **HB 4870** with recommendation, as substitute (**H-4**). The motion was supported by **Representative Schuitmaker**.

The motion prevailed by a vote of **14-0-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives VanRegenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, McConico and Bieda,  
Nays: None,  
Pass: None.

**Chairman Van Regenmorter** laid **HB 4891** before the committee:

HB 4891    David Law	Cemeteries and funerals; burial or cremation; persons entitled to make funeral and burial arrangements for a deceased; revise language in occupational code to reflect changes in estates and protected individuals code.
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**TESTIMONY**

**Representative David Law**, sponsor of HB 4891, explained his bill to the committee.

**Phil Dollma** and **Bev Neal**, representing the Michigan Funeral Directors Association, testified in support of the bill.

**Peter Ellsworth**, representing the Michigan Funeral Directors Association, was available to answer questions.

**Representative David Law** offered the following amendment to **HB 4891**:

1. Amend page 6, line 6, after “of” by striking out “an administrator or executor” and inserting “**A PERSONAL REPRESENTATIVE**”.

**Representative David Law** moved to adopt the amendment. The motion was supported by **Representative Newell**.

The motion prevailed by a vote of **14-0-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives VanRegenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, McConico and Bieda,  
Nays: None,  
Pass: None.

**Representative Condino** moved to report **HB 4891** with recommendation, as amended. The motion was supported by **Representative Bieda**.

The motion prevailed by a vote of **14-0-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives VanRegenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, McConico and Bieda,  
Nays: None,  
Pass: None.

**Chairman Van Regenmorter** laid **HB 5836** before the committee:

HB 5836	Caswell	Cemeteries and funerals; burial or cremation; persons entitled to make funeral and burial arrangements for a deceased; revise language in public health code to reflect changes in estates and protected individuals code.
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**TESTIMONY**

**Representative Caswell**, sponsor of HB 5836, explained his bill to the committee.

**Phil Dollma** and **Bev Neal**, representing the Michigan Funeral Directors Association, testified in support of the bill.

**Peter Ellsworth**, representing the Michigan Funeral Directors Association, was available to answer questions.

**Orlene Christie**, representing the Michigan Department of Community Health, submitted a card in support of the bill and did not wish to speak.

**Representative Van Regenmorter** offered the following amendment to **HB 5836**:

1. Amend page 5, line 16, by striking out all of enacting section 2 and inserting:  
"Enacting section 2. This amendatory act does not take effect unless House Bill No. 4870 of the 93rd Legislature is enacted into law."

**Representative David Law** moved to adopt the amendment. The motion was supported by **Representative Condino**.

The motion prevailed by a vote of **14-0-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives VanRegenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, McConico and Bieda,

Nays: None,  
Pass: None.

**Representative Stakoe** moved to report **HB 5836** with recommendation, as amended. The motion was supported by **Representative Bieda**.

The motion prevailed by a vote of **14-0-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives VanRegenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, McConico and Bieda,  
Nays: None,  
Pass: None.

**Chairman Van Regenmorter** laid **HB 5841** before the committee:

HB 5841    Schuitmaker                      Crimes; controlled substances; methamphetamine reporting; require of certain state agencies.

**TESTIMONY**

**Representative Schuitmaker**, sponsor of HB 5841, explained her bill to the committee.

**Matt Bolger**, representing the Michigan State Police, testified in support of the bill.

**Ben Bodkin**, representing the Michigan Association of Counties, submitted a card in support of the bill and did not wish to speak.

**Representative Elsenheimer** moved to adopt the substitute **(H-1)** to **HB 5841**. The motion was supported by **Representative Jones**.

The motion prevailed by a vote of **9-0-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives VanRegenmorter, Schuitmaker, Newell, Elsenheimer, Jones, Lipsey, Adamini, McConico and Bieda,  
Nays: None,  
Pass: None.

**Representative Schuitmaker** offered the following amendment to **HB 5841 (H-1)**:

1. Amend page 4, following line 4, by inserting:  
“Enacting section 1. This act takes effect October 1, 2006.”.

**Representative Elsenheimer** moved to adopt the amendment. The motion was supported by **Representative Newell**.

The motion prevailed by a vote of **9-0-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives VanRegenmorter, Schuitmaker, Newell, Elsenheimer, Jones, Lipsey, Adamini, McConico and Bieda,  
Nays: None,  
Pass: None.

**Representative Bieda** moved to report **HB 5841** with recommendation, as substitute **(H-2)**. The motion was supported by **Representative Schuitmaker**.

The motion prevailed by a vote of **9-0-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives VanRegenmorter, Schuitmaker, Newell, Elsenheimer, Jones, Lipsey, Adamini, McConico and Bieda,  
Nays: None,  
Pass: None.

**Chairman Van Regenmorter** laid **HB 5846** before the committee:

HB 5846	Booher	Law enforcement; reports; website disclosure referencing methamphetamine sites and certain cleanup procedures; require.
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**TESTIMONY**

**Representative Schuitmaker**, representing the 80<sup>th</sup> District, explained the bill to the committee.

**Orlene Christie**, representing the Michigan Department of Community Health, testified in support of the bill.

**Representative Jones** moved to adopt the substitute **(H-1)** to **HB 5846**. The motion was supported by **Representative Newell**.

The motion prevailed by a vote of **9-0-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives VanRegenmorter, Schuitmaker, Newell, Elsenheimer, Jones, Lipsey, Adamini, McConico and Bieda,  
Nays: None,  
Pass: None.

**Representative Jones** offered the following amendment to **HB 5846 (H-1)**:

1. Amend page 2, line 2, after “information” by striking out the balance of the line through “database” on line 3 and inserting “obtained”.

**Representative Jones** moved to adopt the amendment. The motion was supported by **Representative Elsenheimer**.

The motion prevailed by a vote of **9-0-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives VanRegenmorter, Schuitmaker, Newell, Elsenheimer, Jones, Lipsey, Adamini, McConico and Bieda,  
Nays: None,  
Pass: None.

**Representative Jones** moved to report **HB 5846** with recommendation, as substitute **(H-2)**. The motion was supported by **Representative McConico**.

The motion prevailed by a vote of **9-0-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives VanRegenmorter, Schuitmaker, Newell, Elsenheimer, Jones, Lipsey, Adamini, McConico and Bieda,  
Nays: None,  
Pass: None.

There being no further business to come before the committee, the Chair adjourned the meeting at 12:03 p.m.

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**Representative William Van Regenmorter, Chair**  
**House Standing Committee on Judiciary**  
Malika Abdur-Rashid  
Committee Clerk  
517-373-7256  
1 Hour 33 Minutes